

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 6, 2006
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Pro Tempore Cole-McFadden read a proclamation proclaiming February 7, 2006 as Megan Hodge Day.

Council Member Woodard noted he attended the 75th anniversary gala celebration of Duke University Medical Center and congratulated Chancellor Dzau and the members of the Duke Medical Center and Duke Hospital staff for the great work they have done for 75 years. Also, he thanked Sgt. Eric Hester of the Durham Police Department for leading a workshop for Neighborhood Watch Block Captains and encouraged everyone to get involved in the Neighborhood Watch program.

Council Member Stith thanked the Durham community and his colleagues for their support during the passing of his father, commended Northgate Associates in the Sales and Service Center for training and preparing workers in the Northgate facility and for all Durham employers. Council Member Stith announced he spoke at Neal Middle School's Career Day and commented on his attendance at Shepard Middle School's African Americans Literacy program.

Council Member Stith requested the City Manager to provide a review of the selection/placement process for the Project Strike program since there was an individual that was involved in a situation who was a part of this program.

Council Member Brown noted there are four artists [Nina Freelon, Bradford Marsalis, Shirley Caesar and John P. Kee] up for a Grammy Award that have ties to Durham.

Council Member Clement announced that he participated in the 80th Anniversary celebration of the Carolina Theatre. He thanked the Human Relations Department and Commission along with Yvonne Pena for honoring Ann Atwater, Dr. Evelyn Schmidt, Karen Thompson and Miguel Rubiera during its 34th Annual Awards Banquet, announced that PROUD will be celebrating its 10th anniversary on Wednesday and made comments on the Police Graduation ceremony that he was unable to attend the full service due to schedule conflicts.

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Mayor Pro Tempore Cole-McFadden made comments on the events she attended and reminded everyone that this week is Human Relations Week.

Mayor Bell thanked the community for their comments in terms of trying to come together to deal with the issue of crime.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker noted GBA #20 [Plan Amendment – 2706 Chapel Hill Boulevard] has been withdrawn by the applicant. He recognized the Audit Services Department on their first Peer Review in which they received a full compliance report.

City Manager Baker made comments on the arrest of Dwight Bagley, a City employee, who is a participant of the Project Strike program which is a part of the Project Safe Neighborhoods of the Police Department. Mr. Baker noted Mr. Bagley was arrested last Wednesday for an incident that took place in January 16, 2006 and his first day of work was the 17th, made comments on the article that was in the newspaper of allegations of criminal activity by Mr. Bagley and noted Mr. Bagley was placed on administrative leave without pay retroactive to last Thursday. City Manager Baker gave an overview of Project Strike. He noted this is a re-entry program targeting ex-offenders who 1) want to leave the crime and gang culture and 2) to influence others to do the same. He made comments on the meetings he had with Mr. Bagley and another individual, the meetings Mr. Bagley had with the Men of Vision, meetings he had with validated gang members and individuals who are in and out of this particular lifestyle. He outlined there are two people involved in the program--one still employed with the City and made comments in support of this program.

Council Member Clement commended the City Manager for launching this program, asked him to continue with this effort and to keep Council informed. He noted we need to demonstrate to the private sector that ex-offenders should be given an opportunity with the necessary and appropriate safeguards.

Council Member Stith noted he supports the ex-offender program, but expressed concern about the process -- how are we establishing the program, how are we reviewing these individuals and are they still involved in gang activity so that the program doesn't get damaged by negative publicity.

City Manager Baker noted individuals have gone through Project Safe Neighborhoods, a pre-screening process that includes drug screening and completed a criminal review prior to their entry into the Project Strike program which was in mid-December of last year. He noted he was aware of Mr. Bagley's past including the issues he had while he was incarcerated and he was under extremely high scrutiny to do the job, but continue to make all the meetings with mentors throughout this process. He noted he will bring back a thorough report on this issue—who are the mentors, follow-up process and a detailed process of what the participants went through, etc.

Council Member Stith requested the number of individuals prepared to enter the program and how are they being screened. He noted this program has merit, but would like to make sure we are doing it in the right way so that the program can be successful.

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City Manager Baker noted the number of inquiries is over 100 and will be putting the program on hold in terms of bringing additional young men into the City.

Mayor Pro Tempore Cole-McFadden commended the City Manager for stepping out on faith and taking a chance on Mr. Bagley and noted we have to continue to give people another chance to save our community.

Mayor Bell noted he supports the program and if we are going to move beyond where we are in this community and we got to take risks on programs like this.

MOTION by Council Member Catotti seconded by Council Member Woodard to accept the City Manager's priority items was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Council Member Clement requested the City Manager to provide a SWAP status report at the February 9, 2006 Work Session.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

MOTION by Council Member Clement seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Clement seconded by Council Member Catotti to approve City Council Minutes for the following meetings; and

December 5, 2005 – Special Joint City Council and County Commissioners' Meeting

December 19, 2005 – Regular City Council Meeting

January 3, 2006 – Regular City Council Meeting

To approve City Council Action taken at the December 8, 2005 and December 20, 2005 City Council Work Sessions was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: LYON PARK ADVISORY BOARD - APPOINTMENTS

MOTION by Council Member Clement seconded by Council Member Catotti to appoint Angela V. Langley representing the Lyon Park neighborhood and

T. C. Morphis representing the Lakewood neighborhood with terms expiring on June 30, 2006 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Council Member Clement seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Passenger Vehicle For Hire Commission with a term to expire on January 1, 2007 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM BICYCLE & PEDESTRIAN ADVISORY COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Council Member Clement seconded by Council Member Catotti to receive and accept applications for a citizen to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission with a term to expire on August 31, 2008 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: MULTI-JURISDICTIONAL ADVISORY BOARD – RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Council Member Clement seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Multi-Jurisdictional Advisory Board for a Community Representative with a term to expire on April 1, 2007 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Council Member Clement seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Open Space & Trails Commission representing Ward 2 with a term to expire on June 30, 2007 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: HOME SUB-RECIPIENT AGREEMENT WITH THE COMMUNITY BUILDERS INC. - HOLMAN HOMES DEVELOPMENT

MOTION by Council Member Clement seconded by Council Member Catotti to authorize the expenditure of up to \$200,000 in HOME Investment Partnership funds from the 2004-2005 fiscal year to provide a grant in support of the development of 83 affordable rental units as part of the Holman Homes development;

To authorize the City Manager to execute a HOME Investment Partnership Agreement with the Community Builders, Inc., in an amount not to exceed \$200,000 to support the Holman Homes Development; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: COMMITMENT FOR HOUSING BOND FUNDS WITH STEWART HEIGHTS, LLC FOR REHABILITATION OF 64 LOW-INCOME TAX CREDIT UNITS AT STEWART HEIGHTS (FORMERLY MUTUAL HEIGHTS)

MOTION by Council Member Clement seconded by Council Member Catotti to authorize the expenditure of \$500,000 in 1996 Housing Bond funds;

To issue a finding that equivalent financing terms are not available in the private sector;

To authorize the City Manager to execute a Loan Agreement with Stewart Heights, LLC in an amount of \$500,000 to provide permanent second mortgage financing at an interest rate of 2% with a term of 20 years; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 7:49 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: SUB-RECIPIENT AGREEMENTS WITH TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS, INC. [TROSА] TO PROVIDE PERMANENT FINANCING FOR THE RENOVATION OF TWO DUPLEXES AT 1511 AND 1513 N. ROXBORO STREET

MOTION by Council Member Clement seconded by Council Member Catotti to authorize the expenditure of up to \$109,560 in HOME Investment Partnership funds to provide two permanent loans to the Triangle Residential Options for Substance Abusers, Inc. for the rehabilitation of the duplexes located at 1511 and 1513 N. Roxboro Street, respectively, to be used as rental housing for person(s) earning 25% or less of the HUD determined Area Median Income as amended from time to time;

To authorize the City Manager to execute two permanent loan agreements and related legal documents in an amount not to exceed \$54,780 each, funded from FY 05-06 HOME funds, in the form of a first mortgage having a 2% interest rate and a term of 20 years; and

To authorize the City Manager to modify the agreements and other related documents before execution provided that the modifications do not increase the dollar amount of the agreements and do not lessen the obligations of the contractor was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: PASS-THROUGH AGREEMENTS FOR TRANSPORTATION PLANNING FUNDS - TOWN OF CHAPEL HILL, TOWN OF CARRBORO AND THE TRIANGLE TRANSIT AUTHORITY (TTA)

MOTION by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to execute the Pass-Through Agreements with the Town of Chapel Hill, Town of Carrboro and the Triangle Transit Authority (TTA) for the disbursement and accounting of transportation planning funds; and

To authorize the City Manager to modify the agreements prior to execution provided the modifications are consistent with the general intent of the original agreements approved by Council was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: WATER SERVICE AGREEMENT WITH THE CITY OF RALEIGH

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MOTION by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to execute an Inter-Municipal Agreement for Water Service between Raleigh and Durham was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: NON-CITY AGENCY (NCA) GRANT PROCESS IMPROVEMENTS

To receive a presentation on the proposed Non-City Agency Process Improvements.

Note: A presentation was received at the January 19, 2006 Work Session.

SUBJECT: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDED JUNE 30, 2005

To receive a presentation on the Comprehensive Annual Financial Report for the period ended June 30, 2005.

Note: A presentation was received at the January 19, 2006 Work Session.

SUBJECT: PRESENTATION OF FLEET MANAGEMENT CONSULTANT'S REPORT

To receive a presentation on the results and recommendations of the Fleet Management Consultant's Report.

Note: A presentation was received at the January 19, 2006 Work Session.

SUBJECT: CHRISTINE COTTON

To receive comments from Christine Cotton regarding parking at the downtown terminal and the scheduling conflict between DATA and TTA bus schedules.

Note: Comments were received at the January 19, 2006 Work Session.

SUBJECT: AKRON PROPERTIES - W. KIMBALL GRIFFIN, JR. - NANCY RHODES DRIVE WATER MAIN IMPROVEMENT

MOTION by Council Member Clement seconded by Council Member Catotti to reconsider the assessment against the Nancy Rhodes Drive properties of W. Kimball Griffin, Jr. and Akron Properties and to find that these properties identified as tax maps 767-1-19 and tax map 767-1-

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20, Nancy Rhodes Drive, vacant, have not benefited from water main improvement at this time and to provide relief until "tap-on" for these lots was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: JACK STEER

To receive comments from Jack Steer requesting funding for an outside audit to inspect financial transactions into the group of about 75 CIPs funded by the approved bond issues of November 2005.

Note: Comments were received at the January 19, 2006 Work Session.

SUBJECT: HUMAN RELATIONS COMMISSION

To receive comments from Larry Holt requesting that the Employment and Public Accommodations Ordinance be reinstated.

Note: Comments were received at the January 19, 2006 Work Session.

SUBJECT: MILDRED CARLTON

To receive comments from Mildred Carlton regarding several issues relating to her home.

Note: Citizen did not appear at the January 19, 2006 Work Session.

SUBJECT: CITY COUNCIL BUDGET/PLANNING RETREAT

To discuss the City Council Budget/Planning Retreat.

Note: A discussion was held at the January 19, 2006 Work Session.

**SUBJECT: LOAN SUBORDINATION FOR CRESTVIEW APARTMENTS –
CRESTVIEW ASSOCIATES LIMITED PARTNERSHIP**

To authorize the City Manager to execute the subordination agreement, along with associated legal documents, and

To authorize the City Manager to make changes to the subordination agreement so long as those changes do not increase the maximum dollar amount as approved by Council, or lessen the original obligations of the borrower(s) as specified in the executed loan documents dated August

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31, 1994, except for extending the loan repayment term until the maturity of the new project financing, provided such scheduled maturity date shall not be later than May 1, 2036.

Note: This item was approved at the January 19, 2006 Work Session with a vote of 6/0.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - SEWER MAIN ON ROWENA AVENUE

To receive public comments; and

To adopt a resolution confirming the assessment roll for a Sewer Main on Rowena Avenue from the North Property Line of Tax Map 370-2-2 to the North Property Line of Tax Map 367-3-3.

Due to objections, Assistant City Engineer Lee Murphy requested that Council confirm the assessment roll except for the Lucy V. Engelhard, Jon P. Briggs, James D. Sprouse & Erica M. Taecker and Waylon E. & Sonya McFarland properties, continue the public hearing for those assessments without further advertising and refer those assessments to the February 23, 2006 City Council Work Session for further consideration.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments; and

To adopt a resolution confirming the assessment roll for a Sewer Main on Rowena Avenue from the North Property Line of Tax Map 370-2-2 to the North Property Line of Tax Map 367-3-3 except for the Lucy V. Engelhard, Jon P. Briggs, James D. Sprouse & Erica M. Taecker and Waylon E. & Sonya McFarland properties, continue the public hearing for those assessments without further advertising and refer those assessments to the February 23, 2006 City Council Work Session for further consideration was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - CURB, GUTTER AND PAVING ON BISCAYNE ROAD

To receive public comments; and

To adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Biscayne Road from N.C. Highway 54 to Dresden Drive and Dresden Drive from Biscayne Road to N.C. Highway 54.

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Due to objections, Assistant City Engineer Lee Murphy requested that Council confirm the assessment roll except for the Paul & Joan H. Novak and Brett W. J. Bushnell properties, continue the public hearing for those assessments without further advertising and refer those assessments to the February 23, 2006 City Council Work Session for further consideration.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments; and

To adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Biscayne Road from N.C. Highway 54 to Dresden Drive and Dresden Drive from Biscayne Road to N.C. Highway 54 except for the Paul & Joan H. Novak and Brett W. J. Bushnell properties, continue the public hearing for those assessments without further advertising and refer those assessments to the February 23, 2006 City Council Work Session for further consideration was approved at 7:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Council Member Stith to excuse Mayor Pro Tempore Cole-McFadden from the meeting was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden.

Mayor Bell noted Mayor Pro Tempore Cole-McFadden received word that her ex-father-in-law has passed.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - WATER AND SEWER
LATERALS ON BISCAYNE ROAD**

To receive public comments; and

To adopt a resolution confirming the assessment roll for Water and Sewer Laterals on Biscayne Road from N.C. Highway 54 to Dresden Drive and Dresden Drive from Biscayne Road to N.C. Highway 54.

Due to an objection, Assistant City Engineer Lee Murphy requested that Council confirm the assessment roll except for the Paul & Joan H. Novak properties, continue the public hearing for those assessments without further advertising and refer those assessments to the February 23, 2006 City Council Work Session for further consideration.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments; and

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To adopt a resolution confirming the assessment roll for Water and Sewer Laterals on Biscayne Road from N.C. Highway 54 to Dresden Drive and Dresden Drive from Biscayne Road to N.C. Highway 54 except for the Paul & Joan H. Novak properties, continue the public hearing for those assessments without further advertising and refer those assessments to the February 23, 2006 City Council Work Session for further consideration was approved at 7:53 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden.

SUBJECT: FISCAL YEAR 2006-2007 BUDGET

To receive public comments on the public's priorities for the City of Durham's Fiscal Year 2006-2007 Budget.

Interim Budget Director Elizabeth Partin made comments on this item.

Mayor Bell recessed meeting from 7:54 p.m. to 7:57 p.m.

Mayor Bell opened the public hearing.

Diane Wright, of 601 E. Markham Avenue, thanked Council for their support of housing needs for the citizens of Durham. She asked Council to use General Fund money to shift housing inspectors out of the CDBG funds which would make their positions more stable and free up money for other housing needs.

Lorisa Seibel, representing the Durham Affordable Housing Coalition, requested that the General Fund be increased for Housing Inspections so that funds can be released to invest in permanent housing for the homeless, that Housing Inspectors be moved to the City budget over three years to make up for the \$200,000 cut that is anticipated in community development block grants, funds could be used to invest in housing for the homeless, to help homeowners to make repairs to their homes, eliminate lead hazards, preserve historic homes and repair vacant properties rather than tear them down. She invited everyone to attend the Volunteer Day event that will be held on March 11 at the corner of Northgate and Driver Street and the February 21st Campaign for Decent Housing Meeting at 5:00 p.m.

Judy Kincaid, of 6 Harvey Place, spoke in support of the goals for the Campaign for Decent Housing, particularly those that relate to home weatherization and energy efficiency.

Larry Hester, of 3526 Abercromby Drive/Fayetteville Street Planning Group, urged Council to include in the upcoming budget the infrastructure improvements requested in the Fayetteville Street Plan. He requested that \$3 million be made available from all funds for housing rehabilitation in the Fayetteville Street corridor for people who live or own businesses in this area, that public improvements identified in the Fayetteville Street Plan be funded, economic development incentives be provided to promote the growth of small businesses and skilled development in the Fayetteville Street corridor, walking and bicycle patrol be provided 24/7 to

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create a reality and the perception of safety along the Fayetteville Street corridor, salaries should come out of the General Fund so that some of those dollars can be used for the purpose of rehabilitating housing in this community.

Finally, Mr. Hester noted he received a notice under the new UDO from the Planning Department concerning a house he owns on Cook Road that was out of compliance—car parked in the front yard, and was given 24 hours to correct deficiency and if not corrected there would be a \$500.00 a day fine until it was corrected. He noted the house that was cited was not his.

Council Member Clement requested a report at the February 9, 2006 Work Session on the complaint from Mr. Hester on the notice of zoning violation issued for 1018 Cook Road which should have been 1020 Cook Road.

Denise Hester, of 3526 Abercromby Drive, made comments on the issue of neighborhood-based economic improvements, the Fayetteville Street Plan and urged Council to take a closer look at the recommendations that stakeholders of the Fayetteville Street corridor consider important in this upcoming budget cycle. She noted the positive outcomes envisioned from implementing the Fayetteville Street plan in our neighborhood would also benefit our entire city.

Lanya Shapiro, of 1217 Clarendon Street/representing the Citizens Advisory Committee [CAC], thanked Council for its commitment to affordable housing. She requested that core functions of the City be paid out of the General Fund and noted CAC voted at the last meeting to request a 33% reduction from last year's levels. Also, she made comments in support of weatherization of homes.

Mayor Bell closed the public hearing.

Council Member Clement noted he is the liaison to the Citizens Advisory Committee and did not vote on the recommendations made by the Committee. Also, he thanked Ms. Shapiro for her leadership.

Council Member Catotti asked staff to comment on the press release regarding the RFP for Neighborhood Re-Development.

Economic Development Director Alan DeLilse noted his staff has issued a RFP with a deadline of April 1 that would create jobs for neighborhood residents in key five targeted areas focusing on commercial development –loan, façade, merchandise-based retail initiative and \$250,000 into a public/private partnership to create jobs for neighborhood residents and to bring private sector investment into these particular neighborhoods.

MOTION by Council Member Clement seconded by Council Member Catotti to receive public comments on the public's priorities for the City of Durham's Fiscal Year 2006-2007 Budget was approved at 8:20 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden.

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**SUBJECT: ZONING MAP CHANGE - HIGHGATE - Z05-30 – MAUREEN M. LONG
– NORTHWEST CORNER OF THE INTERSECTION OF HIGHGATE
DRIVE AND SOUTHPARK DRIVE**

To receive public comments on the zoning map change for Highgate (Z05-30);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z05-30 out of PDR 9.4 and placing same in and establishing same as OI; F/J-B and MTC (partial); and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report.

Planning Department Recommendation: Approval, if the plan amendment is approved to provide consistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 7-5 on December 13, 2005 subject to the plan amendment being approved to ensure consistency with the Comprehensive Plan and considering the information contained in this report and the testimony provided during the public hearing.

City/County Planning Director Frank Duke advised Council that he does have the required certification that all public notice requirements have been received and are on file in the Planning Department. He briefed Council on this zoning, noted request is consistent with the Comprehensive Plan, there is no development plan associated with request, staff is recommending approval based on plan consistency and the information contained in report and the Planning Commission also recommended approval.

Mayor Bell opened the public hearing.

Proponent

Maureen Long, representing the applicant, noted she would not be speaking on this item since there is no opposition.

No one spoke in opposition to this zoning matter.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on the zoning map change for Highgate (Z05-30);

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To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z05-30 out of PDR 9.4 and placing same in and establishing same as OI; F/J-B and MTC (partial); and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report was approved at 8:24 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden.

Ordinance #13223

SUBJECT: PLAN AMENDMENT — 2706 CHAPEL HILL BOULEVARD (A05-14) – HOWARD PARTNER, R.L.A.

To receive public comments on the 2706 Chapel Hill Boulevard Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Medium Density Residential (6-12 DU/A) to Commercial.

Note: This item was withdrawn by the applicant.

Staff Recommendation: Approval

Planning Commission Recommendation: Denial, 12-0 based on neighborhood opposition to any additional commercial development on Francis Street.

SUBJECT: PLAN AMENDMENT — SURLES COURT CENTER (A05-13) – KIMLEY-HORN AND ASSOCIATES FOR MBV INVESTORS, LLC – SURLES COURT AND SOUTH MIAMI BOULEVARD [NC54] AT THE WAKE COUNTY LINE

To receive public comments on the Surles Court Center Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Industrial to Commercial.

Staff Recommendation: Approval

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Planning Commission Recommendation: Approval, 9-3 on the change of circumstance represented by the increase of residential development in the area and the accompanying demand for commercial development.

City/County Planning Director Frank Duke briefed Council on the plan amendment. He noted staff is recommending approval as well as the Planning Commission.

Mayor Bell opened the public hearing.

Patrick Byker, representing the applicant, noted he was present to answer questions.

Mayor Bell closed the public hearing.

MOTION by Council Member Woodard seconded by Council Member Clement to receive public comments on the Surles Court Center Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Industrial to Commercial was approved at 8:27 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden.

Resolution #9330

SUBJECT: PLAN AMENDMENT — MANDALAY RIDGE (A05-12) – CITY OF DURHAM – NORTH SIDE OF ANGIER AVENUE, SOUTH OF PLEASANT DRIVE, WEST OF US 70, AND NORTHOFF RURITAN ROAD

To receive public comments on the Mandalay Ridge Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Commercial, Low-Medium Density Residential (4-8 DU/A) and Medium Density Residential (4-8 DU/A) to Low-Medium Density Residential (4-8 DU/A) and Medium Density Residential (6-12 DU/A).

Staff Recommendation: Approval

Planning Commission Recommendation: Approval 10-1 primarily based on recently approved rezoning.

City/County Planning Director Frank Duke briefed Council on the plan amendment. He noted staff is recommending approval as well as the Planning Commission.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

February 6, 2006

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on the Mandalay Ridge Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Commercial, Low-Medium Density Residential (4-8 DU/A) and Medium Density Residential (4-8 DU/A) to Low-Medium Density Residential (4-8 DU/A) and Medium Density Residential (6-12 DU/A) was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden.

Resolution #9331

There being no further business to come before the City Council, the meeting was adjourned at 8:29 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk